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No. 172.

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1st Session, 4th Parliament, 16th Victoria, 1852-3.

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**B I L L .**

**An Act to amend the Municipal Acts  
of Upper Canada.**

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Received and read first time, Saturday, 6th  
November, 1852.

Second reading, Tuesday, 15th Feb., 1853.

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(750 Copies.)

**HON. MR. HINCKS.**

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S. Derbyshire & G. Desbarats, Queen's Printer.

## An Act to amend the Municipal Acts of Upper Canada.

**W**HEREAS it is expedient further to amend the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and the Acts amending the same, and to supply some provisions which have been found wanting in the said Acts : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in every case where any New Township hath been or shall be constituted out of a part or parts of any Old Township or Townships, or where any Township united to any other Township or Townships shall be separated therefrom, (such Township so separating for the purpose of this section to be considered a New Township) it shall be the duty of the Returning Officer for such New Township, at any Election of Councillors to be held in the same during the first year after it shall have been constituted, to procure a correct copy or copies of the Collector's Roll or Rolls for such Old Township or Townships for the year next before that in which such Election shall be holden, so far as any such Roll contains the names of Male Freeholders and Householders rated upon such Roll, in respect of rateable real property, lying in such New Township, with the amount of the assessed value of such real property for which they shall be respectively rated on any such Roll, and each such copy shall be verified by the affidavit or a affirmation of the Collector or other person having the legal custody of the original Roll for the time being, and also by that of the Returning Officer, to be appended to or endorsed upon such copy, which affidavit or affirmation shall be taken respectively before any Justice of the Peace for the County, or other Officer having authority to administer an oath or affirmation for any purpose under the said Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, and shall be to the effect that such copy is a true copy of such Roll as far as the same relates to such New Township, and to all Male Freeholders and Householders rated upon such Roll, in respect of rateable real property lying in such New Township, with the amount of the assessed value of the real property for which they are so rated respectively ; and the persons qualified to be elected as Councillors for such New Township or to vote at the election of such Councillors shall be those and those only who shall appear by such Roll or Rolls to be rated in respect of real property lying in such New Township, and who shall be

Preamble.

Act 12 V.  
c. 81 cited.

Returning Officer at the Municipal Election for any new Township during the first year, to procure a correct copy of the Collector's Roll.

How such copy shall be verified.

Who shall be qualified to be elected Councillors of such new township, or to vote at such elections.

respectively qualified, by the nature, value and tenure of such real property, to be elected as Councillors, or to vote at elections of Councillors, as the case may be, under the provisions of the twenty-second section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, as amended by the Upper Canada Municipal Corporations Law Amendment Act of one thousand eight hundred and fifty-one.

The County Council to make By-laws respecting the holding of the first election in any place about to become a new township.

II. And be it enacted, That whenever any junior Township of any Union of Townships as provided for by the said Municipal Acts, shall have within it one hundred resident freeholders and householders on the Collector's Roll, it shall and may be lawful for the Municipal Council of the county in which such Township shall lie, by a By-law to be passed for that purpose within the first nine months of the year next following the making up of such Roll, to fix the place for holding the first election of Councillors for such Township, and to appoint a Returning Officer for holding the same, and otherwise to provide for the due holding of such election according to law on the first Monday in January of the year next but one following the making up of such Roll.

Council of such new township to enter into agreement with that of the senior township respecting debts of the former union.

III. And be it enacted, That within three months after the first meeting of the Municipal Council of such former junior Township, such Municipal Council shall enter into an agreement with the Municipal Council of the Township or Union of Townships to which such junior Township was united, for the adjustment and settlement of the portion, if any, of any debt due by such Union of Townships before such separation, and which it may be just that such junior Township on its separation from such Union should take upon itself, with the time or times of payment thereof; and every such agreement so entered into shall both in law and equity be and continue to be binding upon such junior Township and the Township or Townships from which it shall be separated. Provided always, that in default of the said Municipal Councils entering into any such agreement, the proportion of such debt to be assumed by such junior Township, shall be settled by the award of three Arbitrators or the majority of them, to be appointed as follows, that is to say, one by the Municipal Council of such senior Township or Union of Townships, and the other by the Municipal Council of such junior Township, and the third by two Arbitrators thus appointed: or in the event of such two Arbitrators omitting to appoint such third Arbitrator within ten days next after their own appointment, then by the Warden of the County within which such Townships are situate. Provided also, secondly, that in case either such Municipal Council shall omit for one calendar month after they shall have been called upon for that purpose by the other of such Councils, to appoint an Arbitrator on their part as above provided, it shall and may be lawful for the Warden of the County to appoint an Arbitrator on the part and behalf of such Municipal

Proviso for arbitration if the two Councils do not agree: Arbitrators how to be appointed.

Third Arbitrator.

Proviso: If either Council shall omit to appoint an Arbitrator within a certain time.

Council so neglecting or omitting to appoint such Arbitrator, who shall in such case have all the powers as if he had been appointed by such Municipal Council: And provided also, thirdly, that every such submission and award shall be subject to the jurisdiction of either of Her Majesty's Superior Courts of common law for Upper Canada, in like manner as if the same were by bond with an agreement therein that such submission might be made a Rule of either of those Courts. And provided also, fourthly, that the portion, if any, of such debt so agreed upon or settled, shall be a debt due from such junior Township to the Township or Townships from which it shall have been disunited, and shall bear legal interest from the day on which the Union shall be actually dissolved, as by law provided, and its payment shall be provided for by the Municipal Council of such junior Township after the dissolution of such Union, in like manner as is or shall be required by law, with respect to other debts due by such Municipal Council, in common with others, and in default thereof, may be sued for and recovered as any of such other debts.

Proviso: Award to be subject to the Superior Courts of Law for U. C.

Proviso: Portion assumed by a junior township to be a debt due by it to the senior township.

IV. And be it enacted, That upon the dissolution of any such Union of Townships as aforesaid, such junior Township shall remain liable to all the debts and loans created or contracted by the Township or Union of Townships from which such junior Township shall have been separated, according to the provisions of the one hundred and seventy-seventh section of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and of the amendments thereof, to the like extent and in the like manner as a junior County, on its separation from the County or Union of Counties with which it was united, remains liable to the similar debts and loans of such union; and all the several provisions of the eighteenth, nineteenth and twentieth sections of the Upper Canada Municipal Corporations law amendment Act of one thousand eight hundred and fifty-one, shall apply between such junior Township and the Township or Union of Townships from which it is separated, as between a junior County and the senior County or Counties from which it shall have been separated.

Junior township to remain liable to the creditors of the former union.

Provisions of s. 18, 19, and 20 of 14 & 15 V. c. 109 to apply.

V. And be it enacted, That it shall be lawful for a majority of the freeholders and householders of any Township or Union of Townships, for the year next previous to that in which the application shall be made, to apply by Petition in writing to the Municipality of such Township, praying that such Township or Union of Townships, if not then already divided into Rural Wards, may be so divided, or if such Township or Union of Townships be then divided, then praying that such division into Rural Wards may be abolished, or that alterations to be specified in such Petition may be made in such division into Wards: And in every such case it shall be the duty of such Municipality to pass a By-law in the former case, dividing such Township or Union of Townships into Rural Wards in the manner prescribed in and by the fourth section

Majority of inhabitants of any Township may petition the Council thereof to divide it into Wards, or that the division into Wards be abolished.

By-law to be made in such case.

of the Municipal Corporations Act of one thousand eight hundred and forty-nine, and in the latter case abolishing or altering pursuant to such Petition, the then existing division of such Township or Union of Townships into Wards: Provided always, nevertheless, firstly, that every such By-law made in pursuance of this section, shall contain a recital of the Petition on which it was founded, and of the same having been passed in compliance with the prayer of such Petition and the directions of this Section: And provided also, secondly, that every such By-law shall contain a clause limiting the same to take effect and come into operation on the First day of December next but one after the same shall have been passed, and in case a majority of the freeholders and householders of such Township or Union of Townships entitled to vote at the General Annual Municipal Election for such Township or Union of Townships, at the General Annual Municipal Election for the same to be held for the year in which such By-law shall be limited to take effect and come into operation, shall, in addition to all other votes given by them at such Election, vote for such dividing into Wards, or the abolishing of the dividing into Wards, or the altering of the same, as hereinafter provided: Provided also, thirdly, that it shall not be obligatory upon any such Municipality to pass any such By-law in compliance with such Petition, unless such Petition shall be signed by a majority of the freeholders and householders appearing on the Collector's Roll of such Township or Union of Townships for the year preceding that in which the same shall be presented: And provided also, fourthly, that such By-law need not be passed by a vote of four fifths of the Members for the time being of such Municipality, as required by the eighth section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, but by a majority thereof.

Proviso: Certain facts to be recited in the By-law.

Proviso: By-law shall take effect only after a certain time, and provided the votes of the electors be given in its favor.

Proviso: Petition must be signed by a majority of electors on the roll.

Proviso: By-law may be passed by a mere majority of the Council.

How the votes of electors shall be taken upon such By-law.

VI. And be it enacted, That it shall be the duty of the Town Reeve of every such Township or Union of Townships, the Municipality of which shall have passed any such By-law as is mentioned in the next preceding section of this Act, to cause a certified Copy of such By-law to be delivered to the Returning Officer, or if such Township or Union of Townships shall be divided into Wards, then to each of the Returning Officers whose duty it shall be to hold the General Annual Municipal Elections for such Township or Union of Townships, for the year in which such By-law is so limited to take effect as aforesaid; And it shall thereupon be the duty of every such Returning Officer to insert appropriate columns in his Poll Books, headed: "For the division into Wards;" "For the alteration of the division into Wards," "Against the division into Wards;" "Against the alteration of the division into Wards;" "For the abolishing of Wards;" "Against the abolishing of Wards;" as may be necessary, and while the Poll for the election of Township Councillors shall remain open, according to law, to receive and record the votes of those entitled to vote for Township Councillors at such Election, for and against such project, as the same may be tendered to him in that behalf: Provided nevertheless, firstly, that when

Proviso: Fair

such By-law shall be for dividing such Township or Union of Townships into Wards, or for the alteration of the Division into Wards, it shall be the duty of every such Returning Officer to have fair copies of such By-law put up in at least four conspicuous places in and about the place where such Poll shall be held, so that the same may be open to the inspection of the public: And provided always, also, that in every such case, it shall be the duty of the Town Reeve of such Township or Union of Townships, within one month after his election, to examine the Returns of such Poll as respects the votes for and against such proposition, and to give public notice of the result, that such By-law will or will not take effect accordingly on the first day of December then following, according as he shall find that there was a majority of votes for or against such proposition.

copies of By-law to be posted up at the polling place, in certain cases.

Proviso: Town Reeve to ascertain the result of the votes, and to give notice that the By-law will or will not come into force accordingly.

VII. And be it enacted, That after any such By-law as is referred to in the two next preceding sections, shall have taken effect in the manner therein provided, it shall not be in the power of the Municipality of such Township or Union of Townships to repeal or alter the same, except by a By-law to be passed upon a similar petition from a majority of the freeholders and householders whose names are on the Collector's Roll of such Township or Union of Townships, nor unless such proposed repeal or alteration shall be approved of by the votes of a majority of the Municipal Electors of such Township or Union of Townships at a general annual Municipal Election for the same, agreeably to the provisions of the said two sections hereinbefore provided with respect to such original By-law for dividing or abolishing of divisions into Wards respectively.

Such By-law if adopted not to be altered except in the manner hereinbefore provided.

VIII. And be it enacted, That in addition to the powers now possessed by the Municipalities of the several Townships in Upper Canada, they shall have the power and authority from time to time to make a By-law or By-laws for each, all and every of the following purposes, that is to say:

Additional powers to Township Municipalities.

*Firstly.* For levying by assessment on all of the rateable property within a particular part or portion of the Township, to be described by metes and bounds in such By-law, in addition to all other taxes rated on such property, such sum of money as may be sufficient to defray the expense of constructing, improving or repairing any Road, Bridge, or other Public improvement within the portion of the Township the limits of which are to be described as aforesaid; But no such By-law shall be passed unless upon an application in writing under the hands of at least two thirds of the resident Freeholders and Householders rated on the Assessment-Roll of such Township, representing in value at least one half of the rateable property within the limits to be affected by such By-law; and that a printed notice of such application, with the names of the signers thereto, describing the limits within which the By-law is to be in force, shall be given for at least one month, by putting up the same in different places within such limits, and at the place for holding the sittings of the Township Council for

By-laws taxing particular portions of the Township for special purposes: Preliminary application and notice required.

such Township, whether it be within such limits or not, and also by inserting the same weekly, for at least four weeks in some newspaper published within the County.

Levying poor rates.

*Secondly.* For levying, collecting and appropriating a rate, to be assessed equally on the whole rateable property of such Township, for raising such moneys as may be considered necessary for the support of any indigent, infirm or helpless persons resident in such Township (and who shall have been so resident for at least years at the time such support may be sought for :) But no By-law for such purpose shall be made or passed unless upon a written request to that effect signed by a majority of the Freeholders and Householders on the Assessment-Roll of the Township for the year in which such request shall be made, nor unless for at least one month previous to the passing of such By-law, printed copies of such request, with the names of the signers thereto, shall have been put up in at least public places within such Township, and at the usual place for holding the meeting of the Township Municipality, and also by inserting the same weekly for at least four weeks in some newspaper published within the county.

Preliminary application and notice required.

Preventing cruelty to animals on highways.

*Thirdly.* For preventing the excessive beating or cruel and inhuman treatment of animals on the public highways of such township.

Remuneration of Councillors. Proviso.

*Fourthly.* For settling and paying a rate at which the Township Councillors forming such Municipal Council, shall be remunerated for their attendance at such Council: Provided always, nevertheless, that no By-law to be passed for that purpose after the year of our Lord, one thousand eight hundred and fifty-three, shall be valid unless the same shall, by the terms of it, be limited to take effect at the end of two whole years at least from the passing thereof, and not before.

Recital.

IX. And whereas in some parts of Upper Canada Junior Townships, having more than fifty and less than one hundred resident freeholders and householders rated on the Assessment-Roll of such Junior Township, are so situated with reference to streams, water-courses or other natural obstructions, that the inhabitants thereof cannot conveniently unite with any adjoining Township for managing their Municipal affairs: Be it therefore enacted, That whenever a majority of at least two thirds of the freeholders and householders, rated on the Assessment-Roll, resident within any Junior Township in Upper Canada, having within it at least fifty resident freeholders and householders on such Roll, shall petition the Municipal Council of the County within which such Township is situate, stating their desire to be formed into a separate Municipality, it shall be lawful for such County Municipality, by any By-law to be passed for that purpose, to separate such Junior Township from any other Township to which it may be united, and to declare that such separation shall come

Upon a petition of a majority of the inhabitants of any Township having 50 electors, which cannot be conveniently united to another, the County Council may separate them.



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into force and take effect from and after the first day of January next after the end of three calendar months from the passing of such By-law, and from the said first day of January after the passing of such By-law, such Township, and that to which it shall have been so united, shall thenceforth, to all intents and purposes whatsoever, be held and considered as separate Townships: And the Municipality of such County shall, by the same By-law, appoint the Returning Officer to hold the first election in such Township (Junior), and name therein the place at which it shall be held on the first Monday 10 in January next after the passing of such By-law; Provided always, that the By-laws of the senior Township shall, in so far as they may be applicable in such junior Township, remain in force therein notwithstanding its becoming a separate Municipality, until they shall be respectively repealed or altered by the Municipal Council of 15 such junior Township.

County Council to appoint the Returning Officer at the first election.

Proviso: as to By-laws of the former union.

## COUNTIES.

X. And be it enacted, That any person charged with any indictable offence, who at the time of the disuniting of any Junior County from any Senior County under the provisions of the Act passed in the twelfth year of Her Majesty's Reign, and 20 intitled, *An Act for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions, as the increase of wealth and population may require*, or of any other Act of the Parliament of this 25 Province, shall be imprisoned on such charge in the Gaol in such Senior County, or be under bail or recognizance to appear for trial at any Court in such Senior County, may be indicted, tried, sentenced and punished either in such Senior County or such Junior County, as to the Court before whom such 30 person shall be tried shall seem meet.

Parties in prison or under bail at the time of the dissolution of any unions, may be tried &c., in either county.

Act 12 V. c. 78.

XI. And be it enacted, That in addition to the powers now possessed by the Municipal Councils of Counties and Unions of Counties in Upper Canada, the Council of any such Municipality shall have power to make a By-law or By-laws for 35 levying by assessment on all the rateable property within any particular parts or portions of two Townships, to be described by metes and bounds in such By-law, in addition to all other taxes rated on such property, such sum of money as shall be sufficient to defray the expense of making, maintaining, repairing or improving any Road, Bridge or other public work 40 lying between such parts or portions of such two Townships, and by which the inhabitants of such parts or portions will be more especially benefitted; but no such By-law shall be passed except upon the application in writing under the hands of at 45 least two thirds or the resident rate-payers, representing at least one half in value of the rateable property within those parts or portions of such two Townships which are to be affected by such By-law: and that a printed notice of such application,

County Council may levy Assessments on particular portions of the county for special purposes.

Preliminary application and notice required.

with the names of the signers thereto, describing the limits within which such By-law is to be in force, shall be given for at least one month, by posting up such notice in different places within such limits, and at the places for holding the sittings of the Township Council for each of the Townships interested, and also by inserting the same weekly for at least four weeks in some newspaper published in the County, if any there be, and if not, then in some newspaper published in some adjoining County.

## TOWNS AND CITIES.

Additional powers conferred on Cities and Town Councils.

That the Common Council of each of the Cities, and the Town Councils of each of the Towns now or hereafter to be incorporated in Upper Canada, shall, in addition to the powers they now possess, have further power and authority to make By-laws for each of the following purposes :

Rent for drainage.

*Firstly.* To fix an annual rent upon the drainage of any house, cellar, yard or land into any common sewer, and to charge the property so drained for the payment of such rent, during the time it shall be so drained into such sewer.

Assessing particular localities for special purposes.

*Secondly.* For raising, levying and appropriating at and upon the petition of two thirds or upwards of the freeholders and householders resident in any particular street, square, alley or lane of the said Town or City, representing in value at least one half of the rateable property situate in such street, square, alley or lane, such sum or sums as may be necessary to defray the expense of lighting with gas, oil or other substances, such street, square, alley or lane, by means of a special rate, to be assessed equally on the whole rateable property in such street, square, alley or lane.

Persons not taxed to a certain amount, to pay commutation for statute labour.

XII. And be it enacted, That if the Taxes assessed in any year upon any male inhabitant of any City or incorporated Town or Village, of the age of twenty-one years and upwards, and not over sixty years of age, (and not otherwise exempted by law from performing statute labour, except by being rated on the Assessment-Roll of such City, Town or Village,) do not amount to shillings currency, he shall instead of such labour be taxed ten shillings yearly, to be levied and collected in the same manner as other local Taxes, to the use of the Corporation of the place.

## MISCELLANEOUS.

New section substituted for s. 168 of 12 V. c. 81.

XIII. And be it enacted, That the following section shall be substituted for the repealed one hundred and sixty-eighth section of the Act first above cited, and shall be read as part of the said Act: " And be it enacted, That at any session or meeting of any Municipal Corporation under this Act, a majority of the

whole number of those who shall by law form such Corporation, shall be a quorum for the dispatch of business ; and if the person who ought to preside at any such meeting shall be absent, it shall and may be lawful for those present to appoint from 5 amongst themselves a Chairman to preside at such meeting, and the Chairman so appointed shall have the same functions and authority in presiding at such meeting as the person who, if present, would preside at such meeting ; and all votes, resolutions and proceedings of such meetings shall be carried by the 10 majority of votes of the persons composing such meeting, other than the person presiding, who, in case of an equality of votes, shall have the casting vote : Provided always, that the con- 15 ceeding at any meeting of such Corporation, where the whole number of Members constituting such Corporation shall be five, and the person presiding at such meeting shall always be allowed to vote when any of the five Members constituting the Corporation shall be absent, but shall not then be entitled to a 20 double or casting vote."

Quorum, of Councils, &c.

Proviso.

XIV. And be it enacted, That the following section shall be substituted for the repealed one hundred and fifteenth section of the Act first above cited, and shall be read as part of the said Act : " And be it enacted, That it shall and may be lawful for 25 the Governor of this Province by any Order in Council, made upon the petition of the Municipal Corporation of any Town or Village, by Proclamation under the Great Seal of the Province, to add to the boundaries of such Town or Village, and to make a new division of the Wards of any such Town, and to alter the 30 boundaries and number of such Wards, but so that there be not less than three Wards therein, and that no Ward shall by such division contain less than the number of inhabitants contained in the least populous Ward of such Town by the first Census taken after the first erection of such Town ; and the first elec- 35 tion, under such enlargement or new division of such Town or Village, shall take place on the first Monday of January next after the end of three calendar months from the teste of such Proclamation."

New section substituted for s. 115 of 12 V. c. 81.

Governor in Council may extend limits of a city or town, &c.

XV. And be it enacted, That yearly and every year, within 40 one week after the Collectors of the several Towns, Townships and Villages in Upper Canada shall have entered into the necessary Bonds with sureties, for the due paying over and accounting for all moneys that might or ought to come into their hands as such Collectors, and otherwise faithfully dis- 45 charging their duties in such Office, the Clerks of the said Towns, Townships and Villages shall transmit to the County Treasurer the names of the said several Collectors and of their sureties, together with their places of abode and additions, and the amount in which they are severally bound ; and such 50 Treasurer shall keep a record thereof in a book to be provided

Names of Collectors, &c., to be transmitted to the County Treasurer as soon as they have given security.

County Treasurer to enter such names in a book with certain other particulars.

for that purpose, in which book he shall also every year enter the aggregate or yearly value, as the case may be, of all the taxable real property, and the amount of all taxable personal property, for such year, on the revised Assessment Rolls of such Towns, Townships and Villages respectively, as the same shall be furnished to the Clerk of such County Council by the Clerks of the said Towns, Townships and Villages respectively.

Moneys assessed under 13 & 14 V. c. 68, or otherwise, for Provincial purposes to be levied as local taxes for County or City purposes.

County or City to be responsible for such moneys; and every Collector, Chamberlain or Treasurer to be responsible for them to the County or City.

Allowance to Treasurer, &c.

How the County Treasurer shall calculate the amount of such moneys leviable in any township &c., in case a Warrant shall issue against the Collector thereof.

XVI. And be it enacted, That all moneys to be assessed, levied and collected under the authority of the Act passed in the 10 Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to provide funds for defraying the cost of the erection of the Lunatic Asylum and other Public Buildings in Upper Canada*, or under any other Act in force or hereafter to be in force in Upper Canada, by and 15 under which any moneys raised by local assessment or taxes are payable to the Receiver General of the Province or to any other Public Officer of this Province, for the public uses of the Province or for any special purpose or use mentioned in such Act, shall be assessed, levied and collected by the same 20 persons and in the same manner and the same time, as local taxes, rates or assessments imposed on the same property for County or City purposes: and the City or County in which any such moneys are or shall be directed to be assessed, levied and collected shall be accountable and responsible 25 for the same to the Crown: and any such moneys as aforesaid shall in Law and in Equity be deemed and taken to be moneys collected for such City or County so far as to charge every Collector, Chamberlain or Treasurer with the same, and to render him and his sureties responsible for the same 30 and for every default or neglect of such Collector, Chamberlain or Treasurer in regard to the same, in like manner as for or with regard to moneys to be assessed, levied and collected for the use of such City or County: and every Chamberlain 35 or Treasurer shall pay over such moneys to the Receiver General \$5 (retaining five per cent of which one half shall be allowed by him to the Township Treasurers respectively on sums received and paid over by them) at such times and in such manner as the Governor shall from time to time direct and require.

XVII. And be it enacted, That in case it shall become neces- 40 sary to issue a Warrant against the Collector of any Town, Township or incorporated Village, to recover all or any portion of the rates or taxes imposed under the provisions of the second section of the said Act, intituled, *An Act to provide Funds for defraying the cost of the erection of the Lunatic Asylum 45 and other Public Buildings in Upper Canada*, or under any other Act in force or hereafter to be in force in Upper Canada, by and under which any moneys raised by local assessments or taxes are payable to the Receiver General or to any other Public Officer of this Province, for the public uses of the 50

Province or for any special purpose or use mentioned in such Act, the County Treasurer, in making up the amount due from such Town, Township or incorporated Village, and which such Collector ought to pay, shall ascertain the sum which the tax 5 imposed as aforesaid would produce, from the aggregate value or yearly value (as the case may be) of all the taxable real property and the amount of all taxable personal property on the Assessment-Rolls of such Town, Township or Village respectively for the current year, as finally revised and passed and 10 transmitted to the County Clerk; and in the event of such Collector refusing or neglecting to pay to such Treasurer or other person authorized to receive the same, such sum (to be ascertained as aforesaid,) or duly to account for the same as uncollected, such Treasurer may issue his Warrant 15 under his hand and seal to the Sheriff of the County, commanding him to levy such sum as shall remain unpaid and unaccounted for, from the property of the said Collector, and the same shall be collected in the same way, under the same powers and provisions both to the Treasurer and Sheriff, as 20 any other moneys may now by law be collected from a Collector who shall neglect or refuse to pay over the same.

Sheriff to levy on Collector under such Warrant if the sum as aforesaid be not forthwith paid.

XVIII. And be it declared and enacted, That all moneys collected by any Township Collector for County purposes or for any of the purposes mentioned in two next preceding 25 sections, are and shall be payable by such Collector to the Township Treasurer and by him to the County Treasurer, and that the Township Municipality is and shall be responsible for all such moneys to the County Municipality, and that any Bond and security given by any Township Collector or Town- 30 ship Treasurer to the Township Municipality, that he will duly account for and pay over moneys collected or received by him, does and shall apply to all moneys collected or received by such Township Collector or Treasurer for County purposes, or for any of the purposes mentioned in the two next preceding 35 sections, and that such Bond or security may and shall be enforced against such Collector or Treasurer and his surety or sureties, in case of default on his part duly to account for and pay over any such moneys as aforesaid.

Such moneys to be paid by Collector to the Township Treasurer and by him to the County Treasurer: Township to be responsible, and Collector's Bond to apply.

XIX. And be it declared and enacted, That each and every 40 County or City is and shall be accountable and responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the Treasurer or Chamberlain of such County or City in virtue of his office, shall be by him duly paid over and accounted for according to law; and such 45 Treasurer or Chamberlain and his Sureties shall be responsible and accountable for such monyes in like manner to the County or City, and any Bond or security given by him that he will duly account for and pay over moneys coming into his hands belonging to such County or City, shall be taken and shall apply 50 to all such moneys as are first above mentioned in this Section,

County or City responsible for all moneys coming into the hands of its Treasurer or Chamberlain by virtue of his office.

Treasurer or Chamberlain and his sureties responsible to the County or City.

How such responsibility may be enforced in certain cases.

Remedy of party aggrieved.

New section substituted for s. 132 of 12 V. c. 81.

Certain persons disqualified to be Councillors.

New section substituted for s. 195 of 12 V. c. 81.

As to compensation to parties whose property any new thoroughfare to be opened is to pass through or to affect injuriously.

Arbitration ; and appointment of Arbitrators by the parties.

and may be enforced against such Treasurer or Chamberlain in case of default on his part duly to account for and pay over any such moneys : and that if such default shall relate to any School moneys, or other Public moneys of the Province, Her Majesty may enforce the responsibility of the County or City, 5 by stopping or retaining a like amount out of any Public moneys which would otherwise be payable to such County or City, or to the Treasurer or Chamberlain thereof, or by suit or action against such Corporation : And a party aggrieved by the default of any such Chamberlain or Treasurer may recover the 10 amount due or payable to him, from the Corporation of such City or County, as for money had and received to his use.

XX. And be it enacted, That the following clause shall be substituted for the repealed one hundred and thirty-second section of the Act first above cited as amended, and shall be 15 read as part of the said Act : " And be it enacted, That no Judge of any Court of civil jurisdiction, no Naval or Military Officer on full pay, and no person receiving any allowance from the Township, County, Village, Town or City, (except in the capacity of Town Reeve or Deputy Town Reeve, or Town-20 ship Councillor, or in capacities incident thereto,) and no person having by himself or partner any interest or share in any contract with or on behalf of the Township, County, Village, Town or City in which he shall reside, shall be qualified to be or be elected Alderman or Councillor for the same or for any 25 Ward therein."

XXI. And be it enacted, That the following clause shall be substituted for the repealed one hundred and ninety-fifth section of the Act first above cited, as amended, and shall be read as part of the said Act : " And be it enacted, 30 That upon the passing of any By-law by any Municipal Corporation erected or to be erected under the authority of this Act, for the purpose of authorizing the opening of any road, street or other public thoroughfare, or of changing, widening or diverting any road, street or public thoroughfare, 35 so as to cause the same or any part thereof to go through or be placed upon or injuriously to affect the land or other real property of any person or persons, it shall and may be lawful for the person or persons who shall own such property, to name an Arbitrator and give notice thereof in writing to the Clerk of 40 such Corporation, and the Head of the Corporation shall, within seven days after such notice, name an Arbitrator on behalf of such Corporation and give notice thereof to the person or persons owning the said property and appointing such Arbitrator as aforesaid, or if within one calendar month after service of a 45 copy of such By-law, certified to be a true copy under the hand of the Clerk of such Corporation on the person or persons owning such property, such person or persons shall omit to name an arbitrator and give notice thereof as aforesaid, it shall and may be lawful for the Head of such Corporation to name an Arbitrator 50

on behalf of such Corporation, and to give notice thereof to the person or persons owning the said property, and such person or persons shall within *seven* days after such notice name an Arbitrator on his or their behalf, and upon such two Arbitrators **5** being so named as aforesaid, they shall within *seven* days thereafter appoint a third Arbitrator, and the said three Arbitrators, or the majority of them, shall have power to determine upon and award the amount of damages, if any, to be paid to such person or persons as aforesaid, and their award shall be **10** binding on such person or persons and on the said Corporation respectively, so as such award be made in writing within thirty days after the appointment of the third Arbitrator as aforesaid: Provided always, That if any such owner or occupier shall neglect to name an Arbitrator for the space of **15** seven days, after having been notified so to do, or if the said two Arbitrators do not within the space of *seven* days after their appointment, agree upon such third Arbitrator, or if any one of the said Arbitrators shall refuse or neglect within the space of *seven* days after his appointment, to take upon **20** him the duties thereby imposed, then upon the application of the Head of the Corporation or of the other party, it shall be lawful for the Judge of the County Court to nominate any disinterested competent person or persons, from any Township other than the Township in which such land shall **25** be situate, to act in the place of such Arbitrator or Arbitrators so refusing or neglecting as aforesaid, and that every Arbitrator so appointed by the Judge of the County Court, as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him, with all convenient speed, after he **30** shall have been so nominated as aforesaid, and any award made by a majority of the said Arbitrators, shall be as binding as if the three Arbitrators had concurred in and made the same: And provided also, secondly, That every such submission and award shall be subject to the jurisdiction of Her Majesty's **35** Superior Courts of Common Law for Upper Canada, in the same manner and to the same extent for all purposes whatsoever, as if there had been a submission of the matters in difference by Bond between the parties containing an agreement that such submission should be made a rule of either of such Courts."

Third Arbitrator.

Proviso: If any party neglect to appoint an Arbitrator.

Proviso: Awards to be subject to Superior courts of Law for U. C.

**40** XXII. And be it enacted, That the following clause shall be substituted for the repealed one hundred and twenty-eighth section of the Act first above cited, and shall be read as part of the said Act: "And be it enacted, That the Head of every Municipal Corporation, erected or to be erected, under the **45** authority of this Act, shall be sworn or affirmed into office by the Highest Court of Law or Equity, whether of general or only of local jurisdiction, which shall at the time be sitting within the limits of such Corporation, or by the Chief Justice or other Justice or Judge of such Court at his Chambers, or if **50** there be no such Court, Justice or Judge within the limits or at the place of meeting of such Corporation at the time, then before

New section substituted for s. 128 of 12 V. c 81.

As to the swearing (or affirming) in of the Head of any Municipal Corporation.

the Recorder or Police Magistrate or Mayor, (in case he shall not be the person to be sworn in) of such City or Town, or any Justice of the Peace of the County or Town in or over which such Corporation shall have jurisdiction, or in the case of Townships and Villages, by any Justice of the Peace for the County in which such Township or Village shall be situate, or in case there shall be no such Court, Justice, Judge or Justice of the Peace within such limits at the time, then before the Clerk of such Municipal Corporation, in the presence of a meeting of such Corporation, which several Courts, Justices, Judges, Recorders and Police Magistrates, Mayors, Justices of the Peace, and Clerks, are hereby severally authorized and required to administer such oath or affirmation, and to give the necessary Certificate of the same having been duly taken and subscribed." 15

Persons object-  
ing to the  
passing of any  
By-law which  
must be passed  
with the con-  
sent of a cer-  
tain portion of  
the Municipal  
Electors, may  
demand to be  
heard by the  
Municipal  
Council as to  
genuineness  
of the alleged  
signatures of  
applicants,  
their qualifica-  
tion, &c.

XXIII. And be it enacted, That whenever any person rated on the Assessment-Roll of any Municipality or place shall object to the passage of any By-law, the passing of which is to be pre-  
ceded by the application of a certain number or portion of the  
rateable inhabitants of such Municipality or place to be affected by 20  
such By-law, he shall, on petition to the Township or other Muni-  
cipal Council to that effect, be at liberty to attend before such  
Council (or a Committee thereof appointed for the purpose of  
hearing evidence,) at the time at which such proposed By-law is  
intended to be passed, and to produce evidence before such Council 25  
or Committee, to show that any of the signatures to the application  
for such By-law are not genuine, or have been obtained upon false  
or incorrect statements or representations, or that the necessary and  
proper notice of the application has not been given, and that the pro-  
posed By-law and the objects thereby intended to be carried out are 30  
contrary to the wishes of the persons whose signatures have been so  
obtained, and that the remaining signatures do not amount to the  
number, nor represent the amount of property necessary to authorize  
the passing of such By-law: And whenever the Township or other  
Municipality, before which such person shall have appeared, shall 35  
be satisfied upon the evidence adduced, that the application for the  
By-law does not contain the names of a sufficient number of per-  
sons, obtained without fraud and in good faith, representing the  
requisite amount of property, who are desirous of having such By-  
law passed, or that the due and sufficient notice required by law has 40  
not been given, then it shall not be lawful for such Township or  
other Municipality to proceed any further on such application, nor  
to pass any such By-law.

A Member of  
any Municipal  
Corporation  
may resign his  
seat by con-  
sent of the  
majority of  
such Corpora-  
tion.

XXIV. And be it enacted, That it shall and may be lawful for any  
Member of the Municipal Corporation of any City, Town, Town- 45  
ship or incorporated Village in Upper Canada at any time, by and  
with the consent of the majority of the Members of such Municipal  
Corporation, signified by such consent being entered on the Minutes  
of their proceedings, to resign his situation as a Member of such Cor-



poration, and the vacancy occasioned by such resignation shall be filled as in the case of the natural death of such Member.

XXV. And be it enacted, That the one hundred and fifteenth section, the one hundred and twenty-eighth, the one hundred and thirty-second section, the one hundred and sixty-eighth section, and the one hundred and ninety-fifth section of the Upper Canada Municipal Corporations Act of one thousand eight hundred and forty-nine, shall be and are hereby repealed, with so much of the said Act of any other Act or law as shall be inconsistent with the provisions of this Act.

Certain sections of 12 V. c. 81 repealed.

XXVI. And be it enacted, That in this Act the word "Township" shall include any union of Townships forming a single Municipality, and the word "County" shall include any union of Counties forming a single Municipality, except where such interpretation would be inconsistent with the context of the enactment wherein the word occurs.

Interpretation clause.

XXVII. And be it enacted, That this Act shall come into force and effect upon, from and after the                      day of                      one thousand eight hundred and fifty                      , and not before.

Commencement of Act.